

10/523293

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Atty. Docket No. KIL01 P-435  
Express Mail No. EV487016458US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Emmanuel Mastorakis

For : MEDICAL DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(b)

Pursuant to 37 CFR §§1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage in an international application.

Copies of the listed foreign patent documents and non-patent literature are attached.

As the Office has waived the requirement under 37 CFR §1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication, copies of the listed U.S. patents and each U.S. patent application publication documents are not included with the submission of attached Form PTO 1449. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

English translations of the non-English documents are enclosed.

The listed documents were cited in the International Search Report which issued from a corresponding International Patent Application. A copy of the International Search Report is included herewith. The International Search Report is not a reference, and Applicants do not necessarily subscribe to any of the statements contained therein.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitutes "prior art." If it should be determined that any of the listed documents do not

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constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 16-2463.

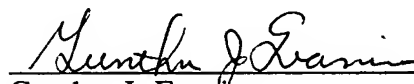
Respectfully submitted,

EMMANUEL MASTORAKIS

By: Price, Heneveld, Cooper,  
DeWitt & Litton, LLP

February 3, 2005

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| <p>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE<br/>(Rev. 2-32) PATENT AND TRADEMARK OFFICE</p> <p style="text-align: center;">INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</p> <p style="text-align: center;">(Use several sheets if necessary)</p> | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;"> ATTY. DOC. NO.<br/><br/>KIL01 P-435 </td> <td style="width:50%; padding: 5px;"> SERIAL NO. </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> APPLICANT Emmanuel Mastorakis </td> </tr> <tr> <td style="padding: 5px;"> FILING DATE </td> <td style="padding: 5px;"> GROUP </td> </tr> </table> | ATTY. DOC. NO.<br><br>KIL01 P-435 | SERIAL NO. | APPLICANT Emmanuel Mastorakis |  | FILING DATE | GROUP |
| ATTY. DOC. NO.<br><br>KIL01 P-435  | SERIAL NO.  |                                   |            |                               |  |             |       |
| APPLICANT Emmanuel Mastorakis  |   |                                   |            |                               |  |             |       |
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U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |  | DOCUMENT NUMBER | DATE     | NAME          | CLASS | SUB-<br>CLASS | FILING<br>DATE IF<br>APPRO-<br>PRIATE |
|---------------------|--|-----------------|----------|---------------|-------|---------------|---------------------------------------|
|                     |  | 5 3 7 8 2 4 0   | 01/03/95 | Curie et al.  |       |               |                                       |
|                     |  | 5 3 2 8 4 8 4   | 07/12/94 | Somers et al. |       |               |                                       |
|                     |  | 5 1 0 4 3 7 8   | 04/14/92 | Haber et al.  |       |               |                                       |

FOREIGN PATENT DOCUMENTS

| EXAMINE<br>R<br>INITIAL |  | DOCUMENT NUMBER | DATE     | COUNTRY | CLASS | SUB-<br>CLASS | TRANSLATION |
|-------------------------|--|-----------------|----------|---------|-------|---------------|-------------|
|                         |  |                 |          |         |       |               | Y N         |
|                         |  | 0 2 2 6 2 9 5   | 04/04/02 | PCT     |       |               | X           |
|                         |  | 0 6 3 6 3 8 1   | 02/01/95 | Europe  |       |               | X           |
|                         |  |                 |          |         |       |               |             |
|                         |  |                 |          |         |       |               |             |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|   |                 |  |
|---|-----------------|--|
| EXAMINER<br>INITIAL   |                 |  |
|   |                 |  |
|   |                 |  |
| EXAMINER  | DATE CONSIDERED |  |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                 |  |

(Form PTO-1449 [6-4])